

## **REMARKS**

### **Non-Claim Issues**

The Applicants have addressed the following items raised in the Office Action.

1. Abstract - Provided above.
2. Continuing data - Specification amended.
3. Compliance 37 CFR §§ 1.821-1.825 - Transfer of sequence listing requested with Notice to Comply accompanying this Response.
4. Information Disclosure Statement

Applicants respectfully request that the requirement for revised formal drawings be held in abeyance pending finalization of the allowable claims. The instructions relative to an Information Disclosure Statement is noted, and an IDS will be forwarded within the next several weeks, when copies of included technical articles have been obtained.

### **Amended Claims are Patentable**

Applicants have amended all claims to provide that the cells used in the method are cultured cells. Applicants urge that with this amendment and clarification the rejection under § 112 has been addressed. Claim 4, which was indicated as allowable, has been cancelled due to the amendment of independent claim 1 to specify cultured cells. Claim 13 has been added to provide for cells cultured in a rotating wall vessel. Applicants urge this is not new subject matter. Claims 4 and 6 were previously indicated as allowable if rewritten in independent form and included the limitations of the base claim and intervening claims. Applicants have reviewed the § 112 rejection and have addressed the issue of

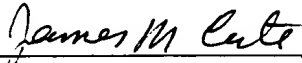
specifying the type of cell used in the method. A cultured cell has been claimed in all pending claims. It appears from the Examiner's remarks on the § 112 rejection that this amendment will remove the rejection.

Claims 11 and 12 have been cancelled. Claim 10 has been amended to use the correct abbreviations for nanomolar and millimolar.

Applicants request consideration of the claims as amended and allowance of all pending claims.

The requisite fees, if any, are requested to be charged to Applicant's Deposit Account No. 14-0116. No fees other than those due with respect to the accompanying Petition and Fee for Extension of Time are believed to be due for this submission. However, should there be any additional fees required, please charge such additional fees to Deposit Account No. 14-0116.

Respectfully submitted,

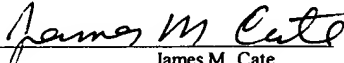
  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on

November 28, 2001  
Date

  
Signature James M. Cate

**Version With Markings to Show Changes Made****In the Abstract**

Please delete the Abstract of the Disclosure and substitute the following:

The present invention provides for a method of culturing cells and inducing the expression of at least one gene in the cell culture. The method provides for contacting the cell with a transcription factor decoy oligonucleotide sequence directed against a nucleotide sequence encoding a shear stress response element.

**In the Specification:**

Please amend the Specification as follows to insert at line 1 after the title the following:

**RELATED APPLICATIONS**

The present application claims the benefit of 35 U.S.C. §§ 111(b) provisional patent application Serial No. 60/043,205 filed April 8, 1997, and is a divisional of application Serial No. 09/056,363 filed April 7, 1998.

Please delete lines 12-15 of the present specification. A substitute page is provided herewith.

**In the Claims:**

Please cancel claims 4, 11 and 12.

Please amend the claims as follows:

- 1           1.     (Amended) A method of inducing expression of at least one  
2 gene in a cultured cell, comprising the steps of:  
3               culturing at least one cell;  
4               contacting said cell with [an] a transcription factor decoy  
5 oligonucleotide sequence directed against a nucleotide sequence encoding a shear  
6 stress response element; and  
7               determining the expression of said gene in said cell.
- 1           5.     (Amended) The method of claim 1, wherein said cultured cell  
2 is selected from the group consisting of an epithelial cell and an endothelial cell.
- 1           6.     (Amended) The method of claim 4, wherein said cultured cell  
2 is selected from the group consisting of renal cortical cell, renal fibroblast cell,

3 hepatocyte, pancreatic islet, renal interstitial cell, parathyroid cell, thyroid cell,  
4 pituitary cell, ovarian cell and testicular cell.

1 7. (Amended) The method of claim 1, wherein said cultured cell  
2 is grown in two dimensional culture.

1 10. (Amended) The method of claim 1, wherein the concentration  
2 of said oligonucleotide is from about 10 [nm] nM to about 10 [mm] mM.

Please add new claim:

1 13. A method of claim 1, wherein said cultured cell is grown in a  
2 rotating wall vessel.